

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID MARK PHILLIPS,

Civil No. 06-424 (PAM/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

DAVID HARTFORD, Director,
ANOKA METRO REGIONAL
TREATMENT CENTER, et al.,

Defendants.

Plaintiff commenced this action on January 31, 2006, by filing a self-styled complaint, and an application seeking leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1 and 2.) Plaintiff's IFP application was found to be inadequate, and he was given twenty days to file an amended application, or else pay the full \$250 filing fee for this action. (Order dated February 17, 2006; [Docket No. 3].) Plaintiff was expressly advised that if he did not file an amended IFP application or pay the full \$250 filing fee within the prescribed time limit, the Court would recommend that this action be summarily dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for complying with the Court's prior order in this case has now expired, and Plaintiff still has not filed an amended IFP application or paid the \$250 filing fee. Indeed, Plaintiff has not communicated with the Court at all since he filed this action more than ten weeks ago. Therefore, it is now recommended, in accordance with the Court's prior order that this action be summarily dismissed without prejudice for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b). See Link v. Wabash Railroad Co., 370 U.S.

626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: April 12, 2006

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

Under D.Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **May 1, 2006**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under this rule shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Circuit Court of Appeals.